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**ARIZONA ATTORNEY GENERAL**  
December 13, 1951

Op. No. 51-322

Hon. Wesley Bolin  
Secretary of State  
Capitol Building  
Phoenix, Arizona

Dear Sir:

This is in reply to your request of December 8, 1951 regarding the Clerk of the Superior Court of Pima County, and the Justice of the Peace of Ajo Precinct, Pima County.

The Constitution of Arizona, Paragraph 18 of Article 6, provides for the election of a clerk of the Superior Court in each county for a four-year term. Section 17-502 ACA 1939, includes the clerk of the court in its enumeration of county officials. Paragraph 9 of Article 6, in our Constitution provides for a justice of the peace for incorporated cities and towns and in precincts, but does not specify their terms of office. Section 17-504, as amended, provides for precinct officers as follows:

"The officers of justice precincts shall be a justice of the peace and a constable, who shall be elected by the qualified electors of the precinct at the general election for state and county officers for terms of four (4) years each. \* \* \*"

The Constitution and statute referred to above definitely determine that both the office of the clerk of the superior court and that of justice of the peace are four-year terms. Section 12-104 ACA 1939 provides for filling a vacancy as follows:

" \* \* \* Vacancies occurring in any office, or in the membership of any board or commission, shall be filled only for the unexpired term of such officer or member."

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Section 17-309, Paragraph 16, ACA 1939 , provides that the board of supervisors shall fill by appointment all vacancies occurring in county or precinct offices.

It is our opinion that when the Board of Supervisors appointed the clerk of the court and the justice of the peace as set out in your letter, the appointment was for the unexpired term for which their predecessors were elected, which is until January 1, 1955. There will be no election for these two offices until 1954.

Very truly yours,

FRED O. WILSON  
Attorney General

CHARLES ROGERS  
Assistant Attorney General

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